



MONTANA DEPARTMENT OF TRANSPORTATION

SECTION 5311 COMPLIANCE REVIEW

Grantee:_____

Reviewer(s):_____

Desk Review Date:_____

Site Visit Date:_____

ATTENDANCE SHEET

[illegible]

**MONTANA DEPARTMENT OF TRANSPORTATION
SECTION 5311 COMPLIANCE REVIEW**

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OVERVIEW

The Montana Department of Transportation (MDT) plans to conduct periodic compliance reviews of Section 5311 grantees. MDT conducts the reviews to ensure that grantees meet the conditions of receipt of Federal Transit Administration (FTA) assistance. MDT will conduct the reviews as follows:

1. MDT will review materials and reports on file in its office and will complete several sections of the workbook. MDT will note findings from the last compliance review and agreed upon corrective actions. MDT will email the partially completed workbook to the grantee.
2. The grantee will review the information entered by MDT, provide updates to the material listed, and answer as many questions as possible. After completing the workbook, the grantee will email it to MDT.
3. MDT will review the grantee's responses and will follow up on the responses during the site visit, which will last no more than one day. During the site visit, MDT will follow up on corrective actions taken for findings from the last review.

After emailing the workbook with your responses, **please return by mail** the following materials to X, PO Box 201001, Helena, MT 59620-1001 at MDT:

- **An organization chart for the transit program that includes the reporting relationship to the board**
- **Cover and table of contents from a policy/operators' handbook, if updated since X**
- **Complaint procedures, if written and if updated since X**
- **Financial audit, if more recent than the one for the year ending X**
- **Sample job application**
- **Sample job posting and advertisement**
- **Written maintenance plan, if updated since X**
- **Qualifications for the medical review officer qualifications, if not X**
- **Qualifications for the breath alcohol technician/screen test technician, if not X**
- **Qualifications for the substance abuse professional, if not X**
- **Drug and alcohol policy, if updated since X**
- **Copy of contract with the drug and alcohol program third party administrator**

The site visit presents an opportunity for MDT to observe your service and operations first hand and provides you with an opportunity to have any questions that you may have answered. We appreciate your cooperation. Thank you. MDT

ADMINISTRATION AND MANAGEMENT

MANAGERIAL CAPABILITY

Grantees must have the managerial capability to implement the project, manage grants, and comply with federal and state requirements. To demonstrate managerial capability, grantees must have an adequate number of staff; maintain adequate documentation of key policies; have a systematic process for determining the number and size of vehicles for the fleet; and submit timely, accurate, and complete quarterly reports. The transit manager must complete the initial training to receive the Montana transit manager certification and the continuing education requirements to maintain the certification. Grantees must have a written procedure for resolving complaints. Grantees must comply with the provisions of the special labor protection warranty (Section 5333(b)). Grantees must have procedures for managing transit service contractors to ensure that quality service is provided.

1. Who is responsible for the day-to-day management of the transit program?	
2. Has the manager completed the initial training to receive the Montana transit manager certification and has the manager completed the continuing education requirements to maintain the certification? MDT requires that transit managers complete the MDT transit manager training and meet continuing education requirements.	
3. Please describe your staffing and the responsibilities of key staff. Does the number of staff appear appropriate for the number and complexity of tasks and the size of the program? MDT requires that grantees have sufficient staff to implement the program.	
4. What policies do you have documented in writing? MDT requires that grantees have a written maintenance plan, drug and alcohol policy, Title VI procedures, complaint resolution procedures, and marketing plan. MDT considers the level of documentation of other procedures when determining whether a grantee has the management and technical capability to implement the program.	

a) Maintenance plan (required)		
b) Drug and alcohol policy (required)		
c) Title VI procedures (required)		
d) Complaint resolution procedures (required)		
e) Marketing plan (required)		
f) Emergency procedures (required)		
g) Safety policies and procedures		
h) Operators' manual/service policies		
i) Training program		
j) Job descriptions		
k) Accounting manual		
l) Personnel policies		
m) Board policy manual		
<p>5. Who is responsible for purchasing vehicles?</p> <p>Is there a systematic process for determining the number and size of vehicles for the fleet?</p> <p>Are decisions for expanding the fleet based on ridership projections and included in the TDP?</p> <p>MDT considers the ability of the grantee to determine the appropriate number and type of vehicles when determining whether a grantee has the management and technical capability receive grants to buy buses.</p>		
<p>6. Reviewer, please enter the grantee's rating for the submission of quarterly reports.</p> <p>MDT requires that grantees submit complete, accurate, and timely quarterly reports.</p>		
7. Reviewer, please enter the following information for the past 4 quarterly reports.		
Quarter	Date Received	Comments/Issues

8. Who is responsible for preparing and submitting the quarterly reports?						
9. Are reports submitted on time? If no, what are the reasons for the delay?						
10. Reviewer, discuss any comments or issues with the reports. Grantee, please respond to the reviewer's comments.						
11. Please provide your grant balances and a close out date for each open grant listed below. Insert additional rows if necessary.						
Grant*	Date Awarded*	Original Close Date*	Revised Close Date	Grant Amount*	State Balance*	Grantee Balance
*To be completed by reviewer prior to sending the workbook to the grantee.						
12. What is the status of each grant project? If the close date has been revised, what is the reason for the delay?						
13. Is the special labor protection warranty (Section 5333(b)) posted clearly for all employees to see? Grantees must post the special labor protection warranty where affected employees may see it.						
14. Have any special labor protection warranty complaints been received? If yes, were they reported to MDT? How were the complaints resolved? Grantees must report any special labor warranty complaints and how they were resolved to MDT.						
15. Do you contract with private operators or other agencies? If yes, please identify. Who is responsible for managing the contract? What procedures are used to ensure that quality service is provided? Grantees must have procedures for managing service contractors to ensure that quality service is provided.						

FINANCIAL CAPACITY

Grantees must have sufficient local resources to provide the required match and carry out the proposed project. At least half of the local share must come from non-federal sources. Grantees must also have the financial management systems to account for and report on Section 5311 assistance. Grantees must maintain financial records for at least 3 years from the expiration date of the grant. Grantees must submit a copy of audit findings relating to the transit program to the state. Grantees must resolve audit findings in a timely manner. Grantees that charge indirect costs to grants must have an approved cost allocation plan that was developed in accordance with Office of Management and Budget (OMB) Circular A-87. Grantees that expend more than \$300,000 in federal funds in a year must have a single audit conducted that complies with OMB Circular A-133. Grantees must document in-kind costs used as local match for a grant.

<p>1. Reviewer, list the sources of local funding from the application.</p> <p>Grantee, confirm the sources of local funding for operating and capital expenses. Note any changes.</p> <p>Are the sources of local funding sufficient to implement the project and maintain project equipment?</p> <p>Grantees must have sufficient local resources to carry out the proposed project and maintain project equipment.</p>	
<p>2. Are operating expenses covered in a fiscally responsible and board-approved manner before being reimbursed by the state?</p>	
<p>3. Since the last review, how many of your transit program vendors were paid within 30 days? [Sample]</p>	
<p>4. Since the last review, have any transit employees not been paid when they were due? If yes, why?</p>	
<p>5. Does at least half of the local share for operating expenses come from non-federal sources?</p> <p>Half of the local share must come from non-federal sources.</p>	
<p>6. Do the financial management systems adequately account for expenses and revenues by grant/project?</p> <p>Grantees must have the financial management systems to account for and report on grant balances.</p>	

<p>7. Refer to the table in the prior section. Do your grant balances agree with MDT's grant balances? If not, please provide an explanation.</p> <p>Grantees must have the financial management systems to account for and report on grant balances.</p>																																									
<p>8. Are financial records retained for at least 3 years from the expiration date of the grant?</p> <p>Grantees must maintain financial records for at least 3 years from the expiration date of the grant.</p>																																									
<p>9. Since the last site visit, have audit findings been submitted that relate to the transit program?</p> <p>If not, why not?</p> <p>Grantees must submit audit findings that relate to the transit program to MDT.</p>																																									
<p>10. What is the status of the following findings from the audit?</p> <p>Grantees must resolve audit findings in a timely manner.</p> <table border="1"> <thead> <tr> <th>Finding*</th> <th>Response*</th> <th>Status</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td></tr> </tbody> </table>			Finding*	Response*	Status																																				
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<p>*To be completed by reviewer prior to sending the workbook to the grantee.</p>																																									

<p>11. Are indirect costs charged to grants? If yes:</p> <p>[Per Office of Management and Budget (OMB) Circular A-87, indirect costs are costs that are incurred for a common or joint purpose that benefits more than one cost objective and are not readily assignable to the cost objectives specifically benefited without effort disproportionate to the results achieved. Examples of indirect costs are accounting and personnel services.]</p> <p>Is there a cost allocation plan to support indirect administrative costs related to a grant program?</p> <p>Was the plan developed in accordance with OMB Circular A-87?</p> <p>Has the plan been approved by the state?</p> <p>Have procedures been established to ensure that costs are classified as either direct or indirect (but not both)?</p> <p>Has the plan been followed?</p> <p>Has the rate been updated annually?</p> <p>Grantees that charge indirect costs to grants must do so in accordance with an approved cost allocation plan that was developed in accordance with OMB Circular A-87.</p>	
<p>12. If more than \$500,000 in federal funds were expended during the last fiscal year, was a single audit conducted in accordance with Office of Management and Budget (OMB) Circular A-133?</p> <p>OMB Circular A-133 requires that any grantee that expends more than \$500,000 in federal funds in a year must have an independent single audit conducted.</p>	
<p>13. Do you use in-kind contributions for local match? If yes, please list all in-kind contributions and how each is documented and supported. Insert additional rows if necessary.</p> <p>Grantees must maintain supporting documentation for in-kind contributions used as local match.</p>	

In-kind Contributions*	Supporting Documentation
*To be completed by reviewer prior to sending the workbook to the grantee.	

SATISFACTORY CONTINUING CONTROL

Grantees must use FTA-funded equipment and facilities to provide public transportation. The number of spare vehicles must be appropriate to the size and age of the fleet, the amount of peak demand, and the projected ridership growth. Grantees must maintain a combined single limit of insurance coverage of at least \$1 million on FTA-funded vehicles and must submit proof of insurance annually. Grantees must submit reports of vehicle use on each FTA-funded vehicle quarterly. Grantees must obtain prior written approval from MDT before selling, leasing, or disposing of vehicles that have remaining federal interest. Grantees must have procedures to prevent loss, damage, or theft of FTA-funded property and inventory.

Vehicle*	Date of Last Quarterly Grant Vehicle Report*	Odometer reading from last quarterly report*	Date of last certificate of insurance*	Comments Concerning Use*
*To be completed by reviewer prior to sending the workbook to the grantee after reviewing the quarterly vehicle reports for the last year.				
1. Calculate the fleet spare ratio.				
a) What is the number of revenue vehicles?				
b) What is the number of vehicles required for maximum service?				
c) What is the number of spare vehicles (a minus b)?				
d) What is the spare ratio (c divided by b)?				
2. How often is the maximum number of vehicles required?				
3. Do the ridership projections in the TDP indicate a need for additional vehicles during the period covered by the plan?				

<p>4. Does the spare ratio appear reasonable given the size and age of the fleet, the frequency of peak service demand, and the projected ridership growth?</p> <p>Please note that MDT considers a spare ratio of approximately 20 percent reasonable.</p>	
<p>5. Has an updated proof of insurance on each vehicle been provided to MDT?</p> <p>MDT requires that grantees provide annual proof of insurance on FTA-funded equipment.</p>	
<p>6. Do you have a combined single limit of coverage of at least \$1 million?</p> <p>What insurance coverage do you have on FTA-funded facilities?</p> <p>If self-insured, how is the self-insurance funded?</p> <p>MDT requires grantees to maintain a minimum of a combined single limit of coverage of \$1 million on vehicles.</p>	
<p>7. Have you sold or disposed of any FTA-funded vehicles in the past year? If yes: Please list the vehicles.</p> <p>Did you obtain approval from MDT?</p> <p>MDT requires that grantees obtain approval before selling or disposing of vehicles on which it holds a lien.</p> <p>[Reviewers, please list the vehicles for which the grantee requested approval for disposition since the last site visit.]</p>	
<p>8. Are leases attached to FTA-funded vehicles?</p> <p>If yes, did MDT approve the leases in writing?</p> <p>MDT requires that grantees obtain written approval for leases of vehicles on which it holds a lien.</p> <p>[Reviewers, please list the vehicles for which the grantee asked for approval since the last site visit.]</p>	

<p>9. What procedures and practices are used to prevent loss, damage, or theft of property and inventory?</p> <p>Grantees must have procedures to prevent loss, damage, or theft of property and inventory.</p> <p>Examples of procedures include insurance, locks on doors, controlled access to supplies, fencing, lighting, inventory and tagging of all equipment, and annual physical inventories that are reconciled to inventory lists.</p>	
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PROCUREMENT

Grantees must:

- Conduct all procurements in a manner that provides for full and open competition.
- Include federally required clauses in contracts.
- Not provide preferences for in-state or local contractors.
- Obtain prior written FTA approval through MDT before entering into any contract for procurement of buses with a period of performance exceeding 5 years, including options.
- Follow state procedures when contracting for architectural and engineering services.

In addition, grantees that are private non-profit organizations must comply with all the provisions of FTA Circular 4220.1D.

Grantees must obtain prior state approval for purchases of equipment and transportation service contracts.

1. What is the dollar threshold for sealed bids?	
2. What are the procedures for purchases for which sealed bids are not required?	
3. Do the above procedures provide for free and open competition? Procurement procedures must provide for free and open competition.	
4. Please list all procurements for which the grantee requested state approval since the last site visit.	
Item	Amount
FY 2004 – 13 passenger bus	
5. What purchases did you make with FTA funds since the last site visit? (Examples: fuel, maintenance services, vehicles, construction, professional services) What procedures were followed for each of the purchases?	

<p>6. Did the procedures followed provide for free and open competition?</p> <p>Procurement procedures must provide for free and open competition.</p> <p>[Reviewer, review a sample of procurement files using the procurement file review sheet to confirm that the grantee provided for free and open competition.]</p>	
<p>7. Was state approval obtained for all equipment purchased directly?</p> <p>MDT must approve all equipment purchases.</p>	
<p>8. Was state approval obtained for all contracts for transportation services?</p> <p>MDT must approve all transportation service contracts.</p>	
<p>9. Do all vehicle purchases, formal procurements (sealed bids) and transportation service contracts include all federally required clauses?</p> <p>Grantees must include federally required clauses in all FTA-funded formal procurements.</p> <p>[Reviewer, please review the procurements for the past year using the clause checklist in the appendix.]</p>	
<p>10. Are there any clauses that unduly restrict competition, such as in-state or local preference clauses?</p> <p>Use of in-state or local preference clauses is prohibited.</p>	
<p>11. Are there any bus procurement contracts that exceed 5 years in total length, including base and options? If yes, identify.</p> <p>Was written FTA permission received through MDT before entering into the contract?</p> <p>Prior FTA approval through MDT must be obtained for bus procurements using FTA funds that exceed 5 years.</p>	

PROCUREMENT FILE REVIEW SHEET

Grantee: _____

Amount: _____

Contract number: _____

Purpose: _____

Award date: _____

Number of bids received: _____

Awarded to: _____

Date File Inspected: _____

Item	Yes	No	NA
Does the file contain an index or checklist of items that it should contain? (Good practice)			
Does the file contain the invitation for bids or the request for proposals?			
Does the file contain the notices and advertisements?			
Does the file include all bids received?			
Does the file document the evaluation and the results of the evaluation?			
Does the file contain a signed contract?			
Are materials filed in chronological order?			
If a pre-bidders' conference was held, does the file document the bidders notified of the conference, the date and time of the conference, and the list of the attendees?			
If the procurement was a sole source, single bid, brand name, or award to other than low bidder, does the procurement file contain a justification for the award?			
Do the files contain a cost or price analysis?			
Do the files indicate that the grantee ensured that goods and services were received?			
Does the file include all contract modifications and amendments?			
Does the file contain copies of all correspondence with the vendor?			

SUSPENSION/DEBARMENT

Grantees are prohibited from contracting for goods and services from individuals or organizations that have been suspended or debarred from receiving federally assisted contracts. Grantees awarded grants exceeding the federal small purchase threshold, currently \$100,000, must obtain a certification from contractors awarded contracts in excess of the federal small purchase threshold stating that they are not suspended or debarred from receiving federally assisted contracts. Grantees must provide immediate written notice to MDT for reporting to FTA if they learn that their certification or the certification of any contractors is no longer valid.

The Government Services Administration publishes the *List of Parties Excluded From Federal Procurement and Non Procurement Programs*. Grantees can search the list on the Internet at <http://epls.arnet.gov>.

Answer these questions only if you received a grant that exceeded \$100,000.	
1. Since submitting the certification to MDT, have you learned that your certification or the certifications of any of your contractors were erroneous when submitted or have become erroneous by reason of changed circumstances? If yes, did you submit a written notice to MDT? Written notice must be provided to MDT upon learning that your certification or the certifications of any contractors were erroneous when submitted or have become erroneous by reason of changed circumstances.	
2. Was the required certification clause included in all procurements exceeding \$100,000? [See clause checklist] The debarment and suspension certification clause must be included in all procurements exceeding the federal small purchase threshold, currently \$100,000.	

LOBBYING

Grantees and contractors may not use federal appropriated funds to pay for influencing or attempting to influence an officer or employee of any federal department or agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal grant, cooperative agreement, or any other federal award. The restrictions do not apply to influencing policy issues, only to influencing the award of a grant or a contract. Recipients of grants and contracts exceeding \$100,000 must certify that they have not and will not use federal appropriated funds to pay for lobbying. Grantees certify to MDT. Contractors certify to the grantee.

Grantees and contractors may use nonfederal funds for lobbying. Recipients of a grant or contract that exceeds \$100,000 that is paid for in whole or in part with federal funds must file an initial disclosure form (standard form LLL) if they use nonfederal funds for lobbying and must submit the form every calendar quarter in which there was a cumulative increase of \$25,000 or more in the amount paid or expected to be paid for lobbying; a change in the person lobbying; or a change in the officer(s), employee(s), or member(s) lobbied to. Grantees must forward all disclosure forms of contractors and subcontractors to the state for reporting to FTA.

Answer these questions only if you received a grant that exceeded \$100,000.	
1. Do you have any procurements that exceed \$100,000? If yes, did you obtain signed lobby certifications with the bid from bidders for contracts greater than \$100,000? [See clause checklist.] Grantees must obtain signed lobbying certifications with bids for contracts exceeding \$100,000.	
2. Have federal funds been used for lobbying in connection with obtaining any Federal grant, cooperative agreement, or any other Federal award? Grantees may not use federal funds for lobbying.	

<p>3. Have you or any of your contractors used non-Federal funds for lobbying in connection with obtaining any Federal grant, cooperative agreement, or any other Federal award?</p> <p>If yes, has the initial Standard Form LLL been submitted to the state for reporting to FTA?</p> <p>Has a form been submitted for every quarter in which there was a cumulative increase of \$25,000 or more in the amount paid or expected to be paid for lobbying; a change in the person lobbying; or a change in the officer(s), employee(s), or member(s) lobbied to?</p> <p>Recipients of a grant or contract that exceed \$100,000 that is paid for in whole or in part with federal funds must file an initial disclosure form (standard form LLL) if they use nonfederal funds for lobbying and must submit the form every calendar quarter in which there was a cumulative increase of \$25,000 or more in the amount paid or expected to be paid for lobbying; a change in the person lobbying; or a change in the officer(s), employee(s), or member(s) lobbied to. Grantees must forward all disclosure forms of contractors and subcontractors to the state for reporting to FTA.</p>	
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DISADVANTAGED BUSINESS ENTERPRISE (DBE)

Grantees must not discriminate on the basis of race, color, creed, national origin, or sex in the award and performance of FTA-assisted contracts. Grantees must provide disadvantaged business enterprises (DBEs) the maximum opportunity to compete for and perform contracts and subcontracts financed in whole or in part with federal funds. Grantees that expend more than \$250,000 in FTA funds on third-party contracts must meet additional requirements as determined by MDT in consultation with FTA.

<p>1. Did the grantee report on DBE activity in the quarterly reports? If not, please list the quarters the grantee did not submit the information.</p> <p>Grantees must submit quarterly DBE activity reports.</p>	
<p>2. Do the reports indicate that the grantee has been successful in contracting with DBEs?</p>	
<p>3. What good faith efforts have been taken to ensure that DBEs have the maximum opportunity to compete for and perform contracts and subcontracts financed in whole or in part with FTA funds?</p> <p>Grantees must take good faith efforts to ensure that DBEs have the maximum opportunity to compete for and perform contracts and subcontracts financed in whole or in part with FTA funds. Examples of good faith efforts include advertising in newspapers that serve minority communities, maintaining a list of minority vendors, and contacting other agencies for potential DBE contractors.</p>	
<p>4. Do you have a current MDT listing of certified DBE firms?</p> <p>MDT provides all grantees a listing of certified DBE firms.</p>	
<p>5. Were any DBE complaints received since the last review? If yes:</p> <p>Describe the complaint and how it was resolved.</p> <p>What is the process for handling and resolving such complaints?</p>	

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Grantees may not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. Grantees must take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to race, color, creed, national origin, sex, or age. Grantees must post in conspicuous places and make available to employees and applicants for employment notices setting forth an EEO policy. The grantee's chief executive officer should designate an EEO officer and adequate staff to administer the program. The EEO officer should be an executive that reports directly to the CEO on EEO matters.

<p>1. Who is responsible for ensuring that EEO obligations are fulfilled?</p> <p>Does this individual report to the CEO for EEO matters?</p> <p>The CEO should designate an EEO officer and adequate staff to administer the program. The EEO officer should be an executive that reports directly to the CEO on EEO matters.</p>	
<p>2. Have you posted an EEO statement in a conspicuous place?</p> <p>An EEO statement must be posted in a conspicuous place where employers and applicants will see it.</p>	
<p>3. Do your job postings have an EEO statement?</p> <p>Job postings should include an EEO statement.</p>	
<p>4. Is an EEO policy included in your personnel policies and/or employee handbook?</p> <p>An EEO policy should be included in personnel policies and/or employee handbook.</p>	
<p>5. Are EEO statements included on your job applications and employment notices? [Sample]</p> <p>Job applications and employment notices should include an EEO statement.</p>	
<p>6. If requested, were reasonable accommodations made for hiring a person with disabilities in accordance with Title III of the ADA?</p>	

<p>7. Were any EEO complaints received since the last site visit? If yes:</p> <p>Describe the complaint and how it was resolved.</p> <p>What is the process for handling and resolving such complaints?</p>	
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OPERATIONS AND SERVICE PROVISION

MAINTENANCE

Grantees must have the managerial capability to maintain FTA-funded equipment and facilities. Grantees must have a written maintenance plan and must maintain project equipment and facilities at a high level of cleanliness, safety, and mechanical soundness. Grantees must maintain all accessibility features and equipment in operating condition. Grantees must have procedures to track when preventive maintenance inspections are due and to schedule preventive maintenance inspections in a timely manner.

Grantees must have a pre-trip inspection program that addresses vehicle condition, appearance, cleanliness, and safety. Deficiencies noted in a pre-trip inspection must be repaired in a timely manner and properly reviewed by management.

Grantees must repair accessibility features promptly and take reasonable steps to continue service to persons with disabilities while repairs are being made. Grantees must maintain a file on each FTA-funded vehicle that contains daily logs, pre-trip inspection checklists, and repair records. Grantees must follow MDT's preventive maintenance program unless MDT has approved an alternative program. Grantees must use MDT provided forms unless MDT has approved alternative forms. Grantees that lease FTA-funded vehicles must require the lessee to adhere to MDT's maintenance standards.

1. Please use MDT's inspection form to inspect all vehicles. Note deficiencies on the sheet. Compare the completed sheet to the sheets that the grantee has on file. Note whether the grantee has noted the same items.	
2. Review the files for the 3 vehicles using the vehicle file review sheet. Note deficiencies for each file inspected.	
3. Who is responsible for maintenance?	
4. Please describe the preventive maintenance program. Note whether the grantee follows the MDT program or follows a program it developed. Is the maintenance plan written? Grantees must have a written maintenance program.	
5. Do preventive maintenance schedules for each type of vehicle in the fleet meet the manufacturer's minimum requirements for severe operations? Preventive maintenance schedules must meet manufacturers' minimum requirements for severe operations.	

<p>6. Is a preventive maintenance program in place for lifts and other accessibility features such as ramps, public announcement systems, and annunciators?</p> <p>Grantees must maintain all accessibility features and equipment in operating condition.</p>	
<p>7. What procedures are used to track when preventive maintenance inspections are due and to schedule preventive maintenance inspections?</p> <p>Grantees must have procedures to track when preventive maintenance inspections are due and to schedule preventive maintenance in a timely manner.</p>	
<p>8. Review the files for the same 3 vehicles reviewed in question 2. Note the date and mileage of all preventive maintenance inspections since the last site visit using the preventive maintenance review sheet.</p> <p>Does the review of the maintenance records indicate that at least 80 percent of the inspections are performed on time? Please allow a 10 percent or 500-mile variance, whichever is greater, when deciding whether an inspection was performed on time.</p> <p>MDT requires that at least 80 percent of preventative maintenance inspections must be performed at the intervals required by the plan.</p>	
<p>9. Are pre-trip inspections conducted prior to placing a vehicle in service?</p> <p>Pre-trip inspections must be conducted prior to placing a vehicle in service.</p>	
<p>10. Is the MDT pre-trip inspection form used?</p> <p>If no, does the pre-trip inspection address safety; vehicle operation, appearance, and cleanliness; and passenger comfort?</p> <p>The pre-trip inspection must address safety; vehicle operation, appearance, and cleanliness; and passenger comfort.</p>	

<p>11. Are deficiencies noted in pre-trip inspections repaired in a timely manner and properly reviewed by management?</p> <p>Deficiencies noted in pre-trip inspection must be repaired in a timely manner and properly reviewed by management.</p>	
<p>12. Does the pre-trip inspection ensure that all items, such as boxes with bi-directional reflective triangles and gallons of washer fluid, are secured to the vehicle?</p> <p>Safety and other equipment must be secured so that they are not loose to injure a passenger or damage the vehicle.</p>	
<p>13. Does the pre-trip inspection program address lifts and other accessibility features, such as ramps, public announcement systems, and tie-downs?</p> <p>Grantees must have a regular system of checks and inspections for lifts and other accessibility features.</p>	
<p>14. When a lift is found to be inoperative, is the vehicle taken out of service by the beginning of the next service day and repaired before returning it to service?</p> <p>What alternative arrangements are made for riders?</p> <p>Grantees must remove vehicles with inoperative lifts from service before the next day unless no spare is available and taking the vehicle out of service would reduce the level of service. Alternative arrangements are required if a vehicle with an inoperable lift is used on a fixed route and the headway to the next accessible vehicle exceeds 30 minutes.</p>	
<p>15. If a vehicle with an inoperable lift is kept in service, is it repaired within 5 days from the day which the lift is found to be inoperable?</p> <p>Grantees in areas of less than 50,000 must repair the lift within 5 days.</p>	

<p>16. Are FTA-funded vehicles leased to providers? If yes:</p> <p>Does the lease agreement require the lessee to adhere to MDT's maintenance standards?</p> <p>MDT requires grantees that lease FTA-funded vehicles to providers to require the lessee to adhere to MDT's maintenance standards.</p>	
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VEHICLE FILE REVIEW SHEET

Grantee: _____

Vehicle: _____

Date File Inspected: _____

Reviewer: _____

Question	Yes	No
Are the files in chronological order?		
Do the files contain the MDT daily log?		
Do the files contain the MDT-provided or an MDT-approved pre-trip inspection checklist?		
Are they signed and dated?		
Do the files contain the MDT-provided vehicle maintenance record?		
For lift-equipped vehicles, do the files contain the daily pre-trip wheelchair lift safety check?		
If the grantee maintains the vehicles in-house, are preventive maintenance checklists:		
Completed		
Signed?		
Dated?		
Do the work orders fully document vehicle maintenance?		
Is the date and mileage noted on each work order?		

Reviewer Comments:

PREVENTIVE MAINTENANCE REVIEW SHEET

Grantee: _____

Vehicle: _____

Date File Inspected: _____

Reviewer: _____

Percentage of inspections completed on time (within a 10 percent or 500-mile variance, whichever is greater):. _____

Type of Inspection	Date	Mileage	Mileage Since Last Inspection

SAFETY

Grantees must document that drivers have a valid operator's license, have a safe driving record, and have been trained in first aid. All safety devices must be maintained in operative condition. All vehicles must be outfitted with a blood-borne pathogens kit, first-aid kit, fire extinguisher, bi-directional reflective triangles, and web cutters. Drivers and passengers must wear seat belts. Smoking is prohibited on all vehicles. Drivers must focus on driving and limit distractions when vehicles are in motion.

1. Is documentation maintained which verifies that all drivers of vehicles (owned, leased, loaned) have:	
a) A valid, appropriate vehicle operator's license (and current US DOT physical if driver is a CDL holder)	
b) A safe driving record acceptable for insurance coverage	
c) Completed an American Red Cross, or equivalent, first aid program to handle emergency health situations and accidental injuries	
d) Training in defensive driving techniques	
e) Training in passenger assistance and safety	
f) Training in operation of lifts and other accessibility equipment	
g) Substance abuse training	
2. Have written procedures have been established to assure that project sponsored volunteers, whether reimbursed for expenses or not, driving privately-owned vehicles have:	
a) A valid appropriate vehicle operator's license (and current DOT physical if driver is a CDL holder)	
b) A safe driving record	
c) Personal automobile liability coverage that is appropriate for type of use	

<p>3. Does the pre-trip inspection address the following required safety equipment:</p> <ul style="list-style-type: none"> ▪ blood-borne pathogen kit ▪ first aid kit (full) ▪ fire extinguisher (charge and inspection date) ▪ bi-directional reflective triangles ▪ web cutters <p>All vehicles must be outfitted with a blood-borne pathogens kit, first-aid kit, fire extinguisher, bi-directional reflective triangles, and web cutters.</p>	
<p>4. Are all required safety devices or systems installed and functioning properly on vehicles?</p> <p>Are fire extinguishers secure, accessible, of the correct type, and in date? (Sample)</p> <p>All safety devices must be maintained in operative condition. Fire extinguishers must be secure, accessible, and in date.</p>	
<p>5. Is there a written procedure to handle accidents and medical emergencies?</p> <p>If yes, are these procedures kept on board the vehicles?</p> <p>Grantees must have a written procedure for handling accidents and medical emergencies.</p>	
<p>6. Are passengers required to wear a seat belt?</p> <p>All passengers must wear seat belts.</p>	
<p>7. Is smoking prohibited on vehicles?</p> <p>Smoking is prohibited on all vehicles.</p>	
<p>8. Are drivers allowed to bring food or drinks on board vehicles?</p> <p>If yes, are drivers allowed to eat or drink while the bus is in motion?</p> <p>MDT prohibits operation of a vehicle while eating or drinking.</p>	
<p>9. Are drivers allowed to use a cell phone while the bus is in motion?</p> <p>MDT prohibits operation of a vehicles while using a cell phone unless the call is work-related.</p>	

<p>10. Are all carry-on items properly stowed before moving vehicle?</p> <p>MDT requires that all carry-on items be properly stowed before moving a vehicle.</p>	
<p>11. Do operations personnel receive training and retraining in crime prevention?</p> <p>What on-vehicle and at-facility crime prevention activities does the service employ? Examples include video cameras, locks, fencing, lighting, and silent codes.</p>	
<p>12. What traffic accident analysis and prevention activities are undertaken?</p>	
<p>13. Is there a safety awards and recognition program?</p>	

ADA

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility. Public entities operating a fixed-route system must provide paratransit or other special service that is comparable to the level of service provided to individuals without disabilities who use the fixed-route system.

1. Have any complaints of discrimination due to disability been received from riders or employees? If yes, please describe the complaints. What is the process to resolve the complaints?	
2. Are facilities accessible?	
3. If you have non-accessible vehicles in your fleet, how do you ensure that equivalent service is provided? ADA requires that service to individuals with disabilities be equivalent to the service provided other individuals with respect to response time, fares, geographic service area, hours and days of service, and capacity.	
4. Are system brochures, application forms, rider handbooks, and occasional bulletins available in alternative formats upon request? ADA requires public information to be made available in alternative formats upon request. Examples of alternative formats include large type, audio-tapes, and Braille.	
5. Is your system's TDD number printed on all public materials where your voice telephone number appears? The TDD number should be listed wherever the voice telephone number appears.	
6. Are all accessible vehicles marked with the blue accessibility symbol? ADA requires that all accessible vehicles be identified with the international accessibility symbol.	

<p>7. Do all accessible vehicles have a securement system for wheelchairs?</p> <p>ADA requires that all accessible vehicles have a securement system for wheelchairs.</p>	
<p>8. What is your policy for providing service if a mobility device cannot be secured?</p> <p>ADA requires that service must be provided even when a mobility device cannot be secured.</p>	
<p>9. Do you require wheelchair users to transfer to a seat?</p> <p>ADA stipulates that operators may request but not require that wheelchair users transfer to a seat.</p>	
<p>10. Do drivers provide assistance to passengers as necessary and upon request with ramps, lifts, and securement devices?</p> <p>ADA requires drivers and other personnel to provide assistance as necessary and upon request.</p>	
<p>11. Do you permit individuals that do not use wheelchairs to use lifts?</p> <p>ADA requires operators to deploy lifts for standees upon request.</p>	
<p>12. What is your policy regarding service animals?</p> <p>ADA requires that operators permit service animals to travel with riders.</p>	
<p>13. Do you provide service to persons using respirators or portable oxygen?</p> <p>ADA requires operators to provide service to persons using respirators or portable oxygen.</p>	
<p>14. What is your policy regarding the time allowed for boarding and alighting?</p> <p>ADA requires that operators allow adequate time for passengers with disabilities to board and alight vehicles.</p>	
<p>15. Do you require drivers to make use of all available accessibility equipment?</p> <p>ADA requires that operators make use of all available accessibility equipment when needed.</p>	

16. How are policies governing providing service to passengers covered under the ADA conveyed to drivers?	
17. Are drivers trained in passenger assistance and sensitivity? How soon after being hired does the training occur? ADA requires that drivers receive training in passenger assistance and sensitivity.	
18. Are drivers trained in use of accessibility equipment? How soon after being hired does the training occur? ADA requires that drivers receive training in the use of the accessibility equipment.	
19. How do you monitor drivers to ensure that they comply with ADA requirements? Examples: Follow-up on complaints, ghost riders, road supervision, ADA advisory committee.	
20. Do you provide deviated fixed-route service? If yes, do public materials and bus schedules clearly state eligibility requirements and procedures for requesting deviated fixed-route service?	
The following questions are for providers of fixed-route service.	
21. Do you have a policy governing stop announcements? Does it meet ADA requirements? ADA requires drivers to announce stops at transfer points with other fixed routes, major intersections and destination points, upon request, and at intervals along a route sufficient to permit individuals with visual impairments or other disabilities to be oriented to their location.	
22. When multiple routes serve the same stop, what mechanism is in place to alert individuals with visual impairments or other disabilities to the route number and destination? ADA requires that operators have such a mechanism.	

<p>23. Are ADA complementary paratransit eligibility decisions made within 21 days of receipt of a complete application?</p> <p>If no, is presumptive eligibility granted?</p> <p>Eligibility decisions must be made within 21 days of receipt of an application, if not then presumptive eligibility must be granted until an eligibility decision is made.</p>	
<p>24. Are persons who are denied eligibility given notice of their right of appeal?</p> <p>Is presumptive eligibility granted if the appeal is not decided within 30 days until eligibility is denied?</p> <p>Persons denied eligibility must be given the notice of the right of appeal. If the appeal is not decided within 30 days, presumptive eligibility must be granted until the appeal is decided.</p>	
<p>25. Do you provide complementary paratransit service to ADA eligible individuals and their personal care attendants (PCA)?</p> <p>Do you charge the PCA a fare?</p> <p>ADA requires that you provide complementary paratransit service to a PCA and prohibits charging the PCA a fare.</p>	
<p>26. Do you provide complementary paratransit service provided to ADA eligible individuals and at least one companion?</p> <p>Additional companions if space permits?</p> <p>ADA requires the provision of service to at least one companion and additional companions if space permits.</p>	
<p>27. Do you provide complementary paratransit to ADA-eligible visitors for up to 21 days?</p> <p>ADA requires service to be provided to ADA-eligible visitors for up to 21 days.</p>	
<p>28. Do you provide service within $\frac{3}{4}$ miles of fixed routes and the core service area?</p> <p>Complementary paratransit service must be provided with $\frac{3}{4}$ miles of fixed routes and the core service area.</p>	

<p>29. At a minimum, do you provide curb-to-curb service?</p> <p>At a minimum, complementary paratransit service must be curb-to-curb service.</p>	
<p>30. Is service provided the same days and hours as fixed-route service?</p> <p>Complementary paratransit must be provided the same days and hours as fixed-route service.</p>	
<p>31. Are the fares no more than twice the fares for fixed-route service?</p> <p>Fares for complementary paratransit service cannot be more than twice the fares for fixed-route service.</p>	
<p>32. Do you place restrictions or priorities based on trip purpose?</p> <p>Providers may not place restrictions or priorities based on trip purpose.</p>	
<p>33. Is next day service provided?</p> <p>If yes, what percent of reservations are made for the next day?</p> <p>At a minimum, next day service must be provided.</p>	
<p>34. Are requests for reservations accepted during normal business hours on all days prior to days of service, even if the administrative office is closed?</p> <p>Requests for reservations must be accepted during normal business hours on all days prior to days of service, even if the administrative office is closed.</p>	
<p>35. Are trips scheduled within one hour of requested trip time?</p> <p>Trips must be schedule within one hour of the requested trip time.</p>	

<p>36. Are rides that are not scheduled in a one-hour window tracked as denials even if the rider accepts an alternative time?</p> <p>When one leg of a trip cannot be reserved, is it tracked as two denials when the rider declines the trip?</p> <p>Rides not scheduled in a one-hour window must be tracked as denials even if the rider accepts an alternative time.</p> <p>Trips where when one leg of a trip cannot be reserved and the rider declines the trip must be tracked as two denials.</p>	
<p>The purpose of the following 9 questions is to determine if there is a capacity constraint. Grantees may not restrict capacity to limit the number of complementary paratransit trips.</p>	
<p>37. What is the average telephone wait time for a reservation?</p>	
<p>38. For next day service, at what time of day are reservations cut off?</p>	
<p>39. At peak times, can a caller reach the reservation office?</p>	
<p>40. Do you have excess non-subscription capacity?</p> <p>If no, does subscription service exceed 50 percent of available resources?</p> <p>Subscription service may not exceed 50 percent of available resources if there is no excess non-subscription capacity.</p>	
<p>41. What percent of requests are denied?</p> <p>How do you monitor trip denials?</p>	
<p>42. What do you consider an on-time trip?</p> <p>How do you monitor on-time performance?</p> <p>What is your on-time performance rate?</p>	
<p>43. How do you monitor missed trips?</p> <p>What percent of trips are missed?</p>	
<p>44. Do you have standards for excessively long trips?</p> <p>Do you monitor for excessively long trips?</p>	
<p>45. Do the answers to the above questions indicate that a capacity constraint exists?</p>	

DRUG AND ALCOHOL PROGRAM

Grantees and their contractors must have a drug and alcohol-testing program in place for all safety-sensitive employees. Maintenance contractors for providers in nonurbanized areas are not required to have a drug and alcohol-testing program.

1. Who is the contact person?	
<p>2. Who is the third-party administrator?</p> <p>Do you have a contract with them?</p> <p>Does the contract specify that they must comply with FTA drug and alcohol-testing requirements?</p> <p>The contract must specify that the testing program must be implemented in accordance with USDOT regulation, "Procedures for Transportation Workplace Drug Testing Programs" 49 CFR Part 40, as amended, and FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations" 49 CFR Part 655.</p>	
3. Do you participate in the Montana drug and alcohol-testing consortium? If yes, skip to question 6.	
<p>4. What is the name of the drug-testing lab?</p> <p>Is the lab DHHS certified?</p> <p>The drug testing lab must be DHHS-certified. The current list of certified labs can be found at http://workplace.samhsa.gov/ResourceCenter/lablist.htm.</p>	
<p>5. Is the person listed still your medical review officer (MRO)? If no:</p> <p>Who is your new MRO?</p> <p>Is the new MRO a licensed physician (medical doctor or doctor of osteopathy), with appropriate medical training and knowledge of substance-abuse disorders?</p> <p>Please provide a copy of the new MROs qualifications.</p> <p>The MRO must be a licensed physician with appropriate medical training and knowledge of substance-abuse disorders.</p>	

<p>6. Who provides the breath alcohol technicians (BATs) or the non-evidentiary alcohol-screening testing technicians (STTs)?</p> <p>Are the technicians listed still under contract? If no:</p> <p>Has each new BAT and/or STT been trained with a National Highway Traffic Safety Administration (NHTSA)-approved course of instruction on the methodology, operation, and calibration of the specific evidential breath-testing device (EBT) and/or saliva-testing device (SD) being used by the grantee?</p> <p>Each new BAT and STT must have been trained with a NHTSA-approved course of instruction on the methodology, operation, and calibration of the EBT or SD being used.</p>	
<p>7. Is the person listed still the substance abuse professional (SAP)? If no:</p> <p>Who is the new SAP?</p> <p>Is the new SAP a licensed professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders?</p> <p>Please provide a copy of the new SAP's qualifications.</p> <p>The SAP must be a licensed professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.</p>	
<p>8. Do you have a drug and alcohol policy that contains the following elements:</p> <p>a) Approval by governing board with effective date indicated</p>	
<p>b) Identity of contact person designated by the employer to answer questions about the anti-drug and alcohol-misuse program</p>	
<p>c) Categories of employees subject to testing</p>	
<p>d) Prohibited behavior, including when the regulations prohibit the use of alcohol and drugs</p>	
<p>e) Testing circumstances for drugs and alcohol</p>	

f) Testing procedures (policy should reference USDOT regulation, "Procedures for Transportation Workplace Drug Testing Programs" 49 CFR Part 40 as amended)	
g) Requirement that covered employees submit to testing administered in accordance with FTA regulations	
h) Description of the behavior and circumstances that constitute a refusal to take a drug and/or alcohol test and a statement that refusals constitute a verified positive test	
i) Consequences for an employee who has a verified positive test. If the grantee has a second chance policy, a description of the evaluation and treatment processes must be included.	
j) Consequences for an employee found to have an alcohol concentration of 0.02 or greater but less than 0.04	
<p>9. Is a copy of USDOT regulation, "Procedures for Transportation Workplace Drug Testing Programs" 49 CFR Part 40, as amended, readily available to any employee who requests a copy?</p> <p>A copy of USDOT regulation, "Procedures for Transportation Workplace Drug Testing Programs" 49 CFR Part 40 must be made available to employees upon request.</p>	
<p>10. What positions are in the testing pool?</p> <p>Are all positions safety-sensitive?</p> <p>Are all safety-sensitive positions that support the transit program, including those in other departments such as a central maintenance department, included in the pool and covered by the transit drug and alcohol policy?</p>	
Reviewer, please enter dates for the last 4 quarters that the drug and alcohol-testing reports were received.	
Quarter	Date Submitted

<p>11. Were quarterly drug and alcohol reports submitted on time for the past 4 quarters?</p> <p>Do the reports indicate that the grantee conducts random testing?</p> <p>Were the tests conducted at a random rate of 50 percent for drugs and 10 percent for alcohol?</p>	
<p>12. How often are the names received for random testing from the third-party administrator?</p> <p>Are random tests reasonably spread out during the draw period?</p> <p>Are random tests reasonably distributed across all days and hours of service?</p> <p>Are the date and time of notification and collection documented?</p> <p>Random tests must be spread throughout the year, the draw period, and the hours of service. The date and time of notification and collection must be documented.</p>	
<p>13. Do you make proper post-accident determinations in regard to testing?</p> <p>Fatal accidents (minimum requirements): Employers must test all surviving covered employees on duty in the vehicle at the time of the accident and any other covered employee whose performance may have contributed to the accident.</p> <p>Nonfatal accidents (minimum requirements): Employers must test all covered employees on duty in the vehicle at the time of the accident unless the employer determines that an employee's performance did not contribute to the accident. The employer must document the decision on who to test and not to test.</p>	
<p>14. Who maintains the drug and alcohol-testing program records?</p> <p>Are they maintained in a secure location with controlled access?</p> <p>Grantees must maintain drug and alcohol-testing records in a secure location with controlled access.</p>	

<p>15. Are the following records maintained for at least 1 year:</p> <ul style="list-style-type: none"> a) Alcohol test results less than 0.02 b) Verified negative drug test results 	
<p>16. Are the following records maintained for at least 2 years:</p> <ul style="list-style-type: none"> a) Collection process for alcohol-testing except calibration of evidentiary breath testing devices b) Collection process for drug testing c) Alcohol education and training records d) Drug education and training records 	
<p>17. Are the following records maintained for at least 5 years:</p> <ul style="list-style-type: none"> a) Alcohol test records with alcohol readings of 0.02 or greater b) Drug-test records with verified positive results c) Calibration documentation of evidentiary breath-testing devices d) SAP evaluations and referrals of employees for alcohol misuse e) Employee compliance with recommendations of the SAP for drug use and/or alcohol misuse, including results of return-to-duty and follow-up testing f) SAP evaluation and referrals of employees for drug use g) MIS reports h) Refusals 	
<p>18. Does the testing laboratory only release drug test results to the MRO?</p> <p>The testing laboratory should only release drug test results to the MRO.</p>	
<p>19. Is an employee's permission obtained before releasing drug and alcohol-testing records (except to the MRO, SAP, or program manager)?</p> <p>An employee's permission must be obtained before releasing drug and alcohol-testing records to someone other than the MRO, SAP, or program manager.</p>	

<p>20. Are the following types of drug and alcohol tests conducted?</p> <ul style="list-style-type: none"> a) Pre-Employment (drugs only) b) Random c) Post Accident d) Reasonable Suspension e) Return to Duty f) Follow-up 	
<p>21. Are the following substances tested for:</p> <ul style="list-style-type: none"> a) Marijuana b) Cocaine c) Opiates d) Phencyclidine e) Amphetamines f) Alcohol 	
<p>22. Are employees who have a verified positive drug-test result or a breath-alcohol concentration of 0.04 or greater referred to a SAP for evaluation even if they are to be terminated?</p> <p>Employees who have a verified positive drug-test result or a breath-alcohol concentration of 0.04 or greater must be referred to a SAP for evaluation even if they are to be terminated.</p>	
<p>23. Have all safety-sensitive employees received 60 minutes of training on the effects and consequence of prohibited drug use on the personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use?</p> <p>When do you provide the training to new hires?</p>	

<p>24. Have supervisors who are designated to determine whether reasonable suspicion exists to require a safety-sensitive employee to undergo alcohol and/or drug-testing been provided the following training?</p> <ul style="list-style-type: none"> a) At least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. b) At least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use. 	
<p>25. Have the annual calendar year management information system (MIS) reports been filed with MDT?</p> <p>Were the reports filed on time?</p> <p>Reviewer, please list the reports since the last review that are on file with the state. Note whether the reports were submitted on time and any problems with the reports.</p>	
<p>26. How are vendors (e.g., collection sites, MROs) monitored to ensure compliance with program requirements?</p> <p>Monitoring may include maintaining qualifications on file, requiring vendors to comply with 49 CFR Parts 40 and 655, conducting periodic mock collections, observing a test, investigating reports by employees of flawed procedures, requiring detailed explanations for cancelled tests, and providing vendors with copies of USDOT and FTA handbooks and procedural manuals.</p>	

CHARTER BUS

Grantees are prohibited from using federally funded equipment and facilities to provide charter service except on an incidental basis and then only when 1 or more of the 7 allowable exceptions apply. FTA defines incidental charter service as charter service which does not interfere with or detract from the provision of public transportation service, is provided only during non-peak hours, does not reduce the useful life of vehicles for public transportation service, and recovers fully allocated costs. Coordinated service and subscription service are not considered charter service.

<p>1. Do you operate charter service? Charter service is the transportation of a group of persons who, pursuant to a common purpose, under a single contract, and at a fixed charge for the vehicle or service, have acquired the exclusive use of the vehicle or service for travel together under an itinerary either specified in advance or modified after leaving the place of origin.</p> <p>If yes, describe the charter service provided and answer the balance of the questions in this section.</p> <p>If no, skip to the next section.</p> <p>If you are not sure, describe the service in question and the reviewer will determine whether the service was charter service and go through the balance of the questions with you during the site visit.</p> <p>[Reviewer, please review the most recent audit on file with the state for any charter revenue. Review service brochures to see if the grantee promotes charter service.]</p>	
<p>2. Under what exception is the charter service operated? (Please refer to the chart on the following page.)</p> <p>Did you follow the procedures required by the exception?</p> <p>Please have the paperwork ready for the site visit documenting that you have complied with the procedures.</p>	
<p>3. Are replica trolley buses operated in charter service?</p> <p>If yes, is the service operated under an allowed exception (Exception 1 or 7)?</p>	

<p>4. What do you charge for the service? Please describe all the charges, including minimum charges.</p> <p>What are your fully allocated costs?</p> <p>Do your fees recover fully allocated costs?</p> <p>Fees must cover fully allocated costs.</p>	
<p>5. What time of the day and days of the week do you provide charter service?</p> <p>In the past year, were you unable to serve public transit passengers because of a charter trip?</p> <p>Charter service may not detract from public transit service.</p>	
<p>6. In the past year, how much money did you earn in charter revenues?</p>	
<p>7. Do you keep a record by vehicle of the amount of charter service so that the time and mileage can be subtracted from the use of the vehicle for determining whether the vehicle has met its useful life?</p> <p>Time spent in charter service may not be counted towards the useful life of an FTA-funded vehicle.</p>	
<p>8. Have any complaints been filed alleging that the charters are in violation of the regulations?</p>	
<p>9. Is charter service provided with locally owned vehicles?</p> <p>If yes, are the vehicles maintained or stored in an FTA-funded facility?</p> <p>If yes, the service must comply with the charter regulations.</p> <p>If no, the grantee must maintain separate books for the service.</p>	

CHARTER BUS EXCEPTIONS AND REQUIREMENTS

Exception	Requirement
Exception 1 - no willing and able private operators (determined through annual notice)	Publish notice of service want to provide Send notice to all known local private operators Send notice to 2 bus industry associations Review evidence submitted by private operators w/in 30 days Make determination Notify each private operator that submitted evidence w/in 60 days Exception valid for one year
Exception 2 - providing FTA-funded vehicles or service to private operators to satisfy a capacity need or a need for accessible equipment (contract with private operator)	Execute contract with private operator to provide vehicles or service for each movement No exclusive arrangements
Exception 3 - in a non-urbanized area, the service offered by willing and able operators creates a hardship due to minimum duration requirements or distance between charter origin and operator location	Petition FTA Regional Administrator Provide notice of request to all private operators Exception valid for one year
Exception 4 – special events (by petition to FTA Administrator)	Petition to FTA Regional Administrator Exception valid for single event
Exception 5 – contract with private, non-profit organizations or governmental entities that certify <ul style="list-style-type: none"> ▪ the trip serves a majority of persons with disabilities ▪ they are qualified social service agencies receiving funds (primarily HHS) as noted in 49 CFR Part 605, Appendix A, ▪ or serve persons receiving public welfare assistance funds (contract and certification) 	Obtain certification from non-profit or governmental entity for each event Execute contract with non-profit or governmental entity Exception valid for single event
Exception 6 - in a non-urbanized area, contracts with a government entity or private, non-profit organization that certifies <ul style="list-style-type: none"> ▪ more than 50 percent of passengers will be elderly (contract and certification) ▪ they are qualified social service agencies receiving funds (primarily HHS) as noted in 49 CFR Part 605, Appendix A 	Obtain certification from non-profit or governmental entity for each event Execute contract with non-profit or governmental entity Exception valid for single event

Exception	Requirement
Exception 7 - formal agreement with all private charter operators	Publish notice of service want to provide Send notice to all known local private operators Send notice to 2 bus industry associations Review evidence submitted by private operators w/in 30 days Make determination Enter into contract with ALL willing and able private operators Exception valid for one year

SCHOOL BUS

Grantees are prohibited from providing exclusive school bus service unless the service qualifies under an allowable exemption and is approved by the FTA Administrator. In no case can federally funded equipment or facilities be used to provide exclusive school bus service. Head Start transportation is considered human service transportation, not school bus service.

<p>1. Is exclusive school bus service operated? If yes, does it qualify for one of the three statutory exceptions?</p> <ul style="list-style-type: none">▪ The grantee operates a school system and operates a separate and exclusive school bus service.▪ Existing private school bus operators are unable to provide adequate, safe transportation.▪ The grantee is a public body that operated school bus service prior to 1973. <p>Has the FTA administrator approved the service?</p> <p>Is it operated only with non-federally funded equipment and from non-federally funded facilities?</p> <p>Grantees are prohibited from providing exclusive school bus service unless the service qualifies under an allowable exemption and is approved by the FTA administrator. In no case can federally funded equipment or facilities be used to provide exclusive school bus service.</p>	
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<p>2. Are you a fixed-route operator that provides school “tripper” service? A tripper is an extra bus that is added to a route to provide capacity or service that cannot be accommodated by the buses already in service. If yes, does the tripper service meet the following criteria to be considered public transit service?</p> <ul style="list-style-type: none"> a) Regularly scheduled mass transportation service? b) Buses are clearly marked as open to the public? c) Service has been modified to meet needs of students/school personnel? d) Service uses various fare collection systems or subsidies? e) Buses have no special designations (e.g., school bus, school special)? f) Buses use regular bus stops? g) Service is noted on published schedules? <p>If not, the service does not qualify as public transit service and cannot be provided with FTA-funded equipment or out of FTA-funded facilities.</p> <p>Reviewer: please review all schedules and signs used on buses to ensure that the tripper service complies with the stated criteria.</p>	
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PLANNING AND MARKETING

SERVICE ELIGIBILITY

Section 5311 funds can be used for public transportation projects and intercity projects in nonurbanized areas. Incidental use of a Section 5311 vehicle for non-passenger transportation on an occasional or regular basis, such as meal delivery, must not result in reduction of public transit service quality or availability. Incidental services must cover the operating costs associated with providing the services. Services may be designed to maximize use by members of the general public who are transportation-disadvantaged, including elderly persons and persons with disabilities. Coordinated human service transportation which primarily serves elderly persons and persons with disabilities, but which is not restricted from carrying other members of the public, is considered available to the general public if it is marketed as public transit service.

MDT requires that service operate at least 40 hours per week and that the grantee advertise in the local newspaper at least monthly that the service is open to the general public and operates during normal commute hours.

Grantees may provide incidental service with FTA-funded vehicles but the service must not interfere with the provision of transit service and must bear the costs of providing the service. Grantees may not use Section 5311 assistance to provide service within an urbanized area. Grantees may provide service to and from urbanized areas. Grantees must have a state-approved methodology for allocating costs between the urban and rural service.

The following questions are designed to determine whether the service provided meets MDT's criteria to be considered public transit service.	
1. What types of contract and subscription service do you provide? With whom? Do the contracts and subscription service interfere with the provision of public transit? Have you had to deny public transit trips because the contracts and subscription service utilized all available capacity? If yes, how often?	
2. Enter the ridership data from the last 4 quarterly reports in the table below. Do the ridership data indicate that the grantee is successful in attracting general public riders?	

Category	Contracted				Non-Contracted				Total
60 +									
< 60									
Disabled									
Total									
<p>3. Do you provide service to the general public at least 40 hours per week? Is the service available during normal commute times?</p> <p>Service must be provided to the general public at least 40 hours per week and be available during normal commute times.</p>									
<p>4. Do you rank trips by trip purpose?</p> <p>If yes, please provide the order of priority. Does the ranking of trips discourage the general public from using the service?</p> <p>Have you denied service because a trip with a lower-ranked purpose could not be accommodated? If yes, how often?</p>									
<p>5. Are vehicles clearly identified as general public transit service?</p> <p>Is the phone number to call for a ride on the vehicles?</p> <p>Vehicles must be clearly identified as general public transit service.</p>									
<p>6. Are the vehicles marked in any way that represents exclusive use for a specific organization or clientele?</p> <p>Vehicles may not display markings that imply exclusive use for a specific organization or clientele.</p>									
<p>7. Have annual updates of the marketing plan been submitted with applications?</p> <p>Annual updates to the marketing plan must be submitted with the application.</p> <p>Has the plan been implemented?</p> <p>[Reviewer, review the annual update submitted with the application and describe the marketing plans for the year.]</p> <p>Annual updates to the marketing plan must be submitted with the application and the plan must be implemented.</p>									

<p>8. Have you advertised at least monthly in the local newspaper that the service is for use by the general public and operates during regular commute hours?</p> <p>Grantees must advertise at least monthly in the local newspaper that the service is for use by the general public and operates during regular commute hours.</p> <p>[Examine the newspaper file during site visit.]</p>	
<p>9. Does the agency answer the phone in such a way that the general public knows that it has contacted a public transit provider?</p> <p>Do you have a direct line for transportation or do all transportation calls go through the general receptionist?</p>	
<p>10. How are you listed in the phonebook?</p>	
<p>11. Do you provide meal delivery or other incidental services? If yes:</p> <p>How many meals or other incidental services do you deliver?</p> <p>At what times of the day?</p> <p>Do the services interfere with the provision of transit service?</p> <p>Do the incidental services bear the costs of the service?</p> <p>Grantees may provide incidental service with FTA-funded vehicles but the service must not interfere with the provision of transit service and must bear the costs of providing the service.</p>	

<p>12. Do you provide any service within an urbanized area (population > 50,000)? If yes:</p> <p>Please describe the service.</p> <p>Do you use Section 5311 assistance to support the service?</p> <p>How do you allocate costs between the urbanized and nonurbanized area service?</p> <p>Grantees may not use Section 5311 assistance to provide service within an urbanized area. Grantees may provide service to and from urbanized areas. Grantees must have a state-approved methodology for allocating costs between the urban and rural service.</p>	
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TITLE VI--NONDISCRIMINATION IN THE DELIVERY OF SERVICE

FTA and Montana prohibit discrimination on the grounds of race, color, national origin, sex, age, physical or mental disability, or religion in the delivery of public transit services. FTA also prohibits discrimination on the grounds of low-income status. Montana also prohibits discrimination on the basis of marital status. The board must adopt Title VI complaint procedures. Title VI complaints must be reported to MDT within 24 hours of receipt of the complaint.

The following questions are designed to determine whether the service provided meets Title VI requirements.		
1. What is the racial make up of your service area?		
2. Do you provide service to areas with minority populations? Is it the same level and quality of service that is provided areas without minority populations?		
3. Please describe the location of transit services and facilities. Have you ensured that decisions on the location of transit services and facilities are made without regard to race, color, creed, national origin, sex, age, or disability?		
4. Please review the Title VI general reporting information submitted with the last application. List all complaints alleging discrimination in the delivery of service that were reported. Follow up on the status of the complaints. Do the complaints indicate that the grantee may discriminate in the delivery of service?		
Complaint Description	Date Filed	Status
5. Have you adopted the MDT recommended Title VI complaint procedures? Were the procedures approved by the board? Who investigates complaints? The board must adopt the Title VI complaint procedures.		

<p>6. Have any complaints concerning discrimination in the delivery of service been received since the last review?</p> <p>If yes, how were the complaints identified and resolved?</p> <p>Did you report the complaints to MDT within 24 hours of receipt of the complaint?</p> <p>Title VI complaints must be reported to MDT within 24 hours of receipt of the complaint.</p>	
<p>7. How are individuals provided opportunities to participate in the transit planning and decision-making processes without regard to race, color, creed, national origin, sex, age, disability, or marital status?</p> <p>Have representatives of these groups expressed a need for transportation improvements? If yes, please describe.</p>	
<p>8. How do you promote your service to minority populations?</p> <p>Please provide a copy of the materials used to promote your service to minority populations.</p>	
<p>9. Do you deal with any non-English speaking individuals?</p> <p>If so, how do you ensure accurate communication with those persons?</p> <p>If needed, MDT has a list of interpreters and language identification devices.</p>	

PLANNING AND COORDINATION

Grantees must submit annual updates to the coordination plan (and transit development plan (TDP) where applicable) with the application. Grantees must coordinate to the maximum extent feasible with transportation assisted from other federal sources. Grantees located in the planning area of a metropolitan planning organization (MPO) must ensure that their program of projects is included in a transportation improvement program (TIP) for the area.

1. Have annual coordination plan updates been submitted with applications?					
2. List the annual ridership figures for the past 5 years below. Please explain why ridership is increasing, decreasing, or staying the same.					
Year		Ridership			
3. Reviewer, please refer to the explanation in the application and describe how the grantee coordinates with other transportation providers in the area. Grantee, since submitting your application, have any additional efforts been made to coordinate service? If yes, please describe.					
4. The list below contains all Section 5310 and Department of Public Health and Human Services (DPHHS) grantees that operate in your service area, how many vehicles they operate, the days and hours of operation, and the number of trips they provide. Please list your efforts to coordinate with each agency and the reasons for not coordinating with each agency.					
Section 5310/DPHHS Grantee*	Number of Vehicles*	Days and Hours of Service*	No. of Trips*	Avg. Rides per Mile*	Coordination Efforts/Reasons for not Coordinating
*To be completed by reviewer before sending the questionnaire to the grantee.					
5. Are there more opportunities for coordination?					

<p>6. What groups are represented on the local transportation advisory committee (TAC)? Are private-for-profit and private-nonprofit transportation providers represented on the TAC?</p>	
<p>7. Did you provide reasonable notice to transportation providers when you submitted your application?</p>	

SWOT ANALYSIS

The reviewer will analyze strengths, weaknesses, opportunities, and threats with the grantee during the site visit.

Strengths	Weaknesses
Opportunities	Threats

SUMMARY OF CORRECTIVE ACTIONS

Finding	Corrective Action	Response	Response Days/ Date	Comment	Date Closed

ADDENDUM

LIST OF FEDERALLY-REQUIRED CLAUSES

	Clause	Construction Contract	Bus Purchase	Transit Service Contracts/ Transit Vehicle Leases	Professional Services Contract
C O N T R A C T S	Project No./Name				
	Award Date				
	No. Bids				
	Contractor				
	Contract Value				
1	Fly America	If persons or property will be transported internationally	If persons or property will be transported internationally	NA	NA
2	Buy America Requirements	>\$100,000; must be in bid	>\$100,000; must be in bid	NA	NA
3	Charter Bus Requirements	NA	NA		NA
3	School Bus Requirements	NA	NA		NA
4	Cargo Preference Requirements	If items may be transported by ocean vessel	If items may be transported by ocean vessel	NA	NA
5	Seismic Safety		NA	NA	NA
6	Energy Conservation				
7	Clean Water	>\$100,000	>\$100,000	>\$100,000	>\$100,000
8	Bus Testing	NA	Certification not required	NA	NA

	Clause	Construction Contract	Bus Purchase	Transit Service Contracts/ Transit Vehicle Leases	Professional Services Contract
9	Pre-Award Post-Delivery Reviews	NA	Buy America >\$100,000; FMVSS, purchaser's requirements no threshold	NA	NA
10	Lobbying	>\$100,000; certification required with bid; mandated language	>\$100,000; certification required with bid; mandated language	>\$100,000; certification required with bid; mandated language	>\$100,000; certification required with bid; mandated language
11	Access to Records	>\$100,000	Non competitive >\$100,000	Non competitive >\$100,000	Non competitive >\$100,000
12	Federal Changes	NA	NA	NA	NA
13	Bonding	NA	NA	NA	NA
14	Clean Air	>\$100,000	>\$100,000	>\$100,000	>\$100,000
15	Recycled Products >\$10,000	NA	NA	NA	NA
16	Davis Bacon Act	>\$2,000; mandated language	NA	NA	NA
17	Contract Work Hours and Safety Standards Act	>\$2,000; mandated language; (5) payroll and basic records not required as is part of Davis Bacon	>\$2,500; mandated language; include (1) overtime and (5) payroll and basic records only	NA	NA
18	Copeland Anti-Kickback Act	>\$2,000; already included in Davis Bacon Act language	NA	NA	NA
19	No Government Obligation to Third Parties				

	Clause	Construction Contract	Bus Purchase	Transit Service Contracts/ Transit Vehicle Leases	Professional Services Contract
20	Program Fraud and False or Fraudulent Statements and Related Acts				
21	Termination	NA	NA	NA	NA
22	Governmentwide Debarment and Suspension	>\$100,000; lower tier, certification or clause	>\$100,000; lower tier, certification or clause	>\$100,000; lower tier, certification or clause	>\$100,000; lower tier, certification or clause
23	Privacy Act	NA	NA	If maintains D&A files	NA
24	Civil Rights				
25	Breaches and Dispute Resolution	NA	NA	NA	NA
26	Patent and Rights in Data (research only)	NA	NA	NA	NA
27	Transit Employee Protective Agreement	NA	NA	Only if contractor is transit operator as defined by FTA	NA
28	DBE		Clause and certification. Certification only applies to purchases of modified vans and buses.		
29	State and Local Law Disclaimer (Guidance)	NA	NA	NA	NA
30	Incorporation of FTA terms (Guidance)	NA	NA	NA	NA

	Clause	Construction Contract	Bus Purchase	Transit Service Contracts/ Transit Vehicle Leases	Professional Services Contract
31	Drug/Alcohol Testing	NA	NA	Does not apply to contracts for maintenance services in nonurbanized areas	NA

BUS PROCUREMENTS/CONSTRUCTION PROJECTS/BUY AMERICA

Grantees must have the managerial and technical capability to buy buses and manage construction projects. Grantees must comply with bus testing requirements when purchasing buses for revenue service.

Buy America law requires grantees to purchase steel, iron, and manufactured products that are produced in the United States for FTA-funded projects, unless a waiver has been granted by the FTA through the state or the product is subject to a general waiver. General waivers are listed in Appendix A to 49 CFR 661.7 and include final assembly in the United States for 15-passenger vans produced by Chrysler Corporation, microcomputer equipment, software, and small purchases (currently less than \$100,000) made with capital, operating, or planning funds. Revenue service rolling stock not subject to a general waiver must be assembled in the United States and have a 60-percent domestic content.

Grantees are required to conduct pre-award and post-delivery reviews to confirm Buy America, Federal Motor Vehicle Safety Standards (FMVSS), and purchaser's requirements compliance for all revenue service rolling stock procurements. Revenue rolling stock purchases below the federal small purchase threshold are exempt from Buy America pre-award and post-delivery review requirements; however, a certification that the rolling stock is exempt from Buy America requirements is still required. Revenue rolling stock purchases below the federal small purchase threshold are still subject to pre-award and post-delivery review requirements for FMVSS and purchasers requirements. Unmodified mass produced vans are exempt from all pre-award and post-delivery review requirements.

<p>1. Do you plan to buy vehicles directly instead of off the state contract? If yes:</p> <p>What are your procedures for developing vehicle specifications and for ensuring that vehicles purchased meet the specifications?</p> <p>Do you road test the vehicles?</p> <p>Sample good practices include pre-bidders conference (large procurements only), pre-production meetings to go through the specifications with the manufacturer, pre-production factory tours (large procurements only), development of a prototype (large procurements only), use of on-line inspectors, road tests and inspections at the factory, road tests and inspections after delivery, withholding of a percentage of payments until final acceptance (retainage fees).</p>	
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<p>2. For purchases other than unmodified mass-produced vans, did rolling stock purchased or leased with FTA funds require testing?</p> <p>If models require testing: Were the models tested? If yes, identify the models.</p> <p>Was a test report issued? If yes, was the report received prior to expenditure of FTA funds? A test report must be received before the expenditure of FTA funds.</p> <p>If models do not require testing: Does the grantee have certification(s) from the manufacturer that the models do not need to be tested?</p> <p>Grantees must obtain a copy of the test report or a certification from the manufacturer that the models do not need to be tested before the expenditure of FTA funds.</p>	
<p>3. For direct procurements of modified vans and buses, did you obtain DBE certifications from the transit vehicle manufacturers with the bids/proposals submittal? (See clause checklist.)</p> <p>Grantees must obtain a signed DBE certification from transit vehicle manufacturers with the bid for purchases of modified vans and buses. The requirement does not apply to unmodified mass produced vans.</p>	
<p>4. Do the procedures for procuring architectural and engineering services comply with state requirements?</p> <p>Grantees must comply with state statutes when procuring architectural and engineering services.</p>	
<p>5. Do facility construction contracts reference ADA requirements?</p> <p>ADA requires that all new construction and rehabilitation projects comply with accessibility standards.</p>	

6. Were "Buy America" certifications included in procurements that exceed \$100,000?

Were "Buy America" certifications acquired from vendors?

[Sample. See clause checklist.]

For procurements of steel, iron, and manufactured products in amounts that exceed the federal small purchase threshold, currently \$100,000, grantees must include "Buy America" certifications in the procurement solicitation and must obtain signed "Buy America" certifications from bidders.

7. Has the grantee complied with pre-award and post-delivery review requirements? [Does not apply to unmodified mass-produced vans.]	Reviews		Procedures	Certifications	
PRE-AWARD	YES	NO		YES	NO
Buy America					
Did you ascertain proposed domestic content of product, components, and subcomponents? If yes, how? [Does not apply to purchases < \$100,000.]					
Did you determine the proposed location of final assembly? If yes, how? [Does not apply to purchases < \$100,000.]					
Did you determine that the proposed final assembly activities were sufficient? If yes, how? [Does not apply to purchases < \$100,000.]					
Purchaser's requirements					
FMVSS [Note that the pre-award MFVSS certification by the buyer is recommended, not required.]					
POST DELIVERY	YES	NO		YES	NO
Buy America					
Did you ascertain the actual domestic content of product, components, and subcomponents? If yes, how?					
Did you determine that the actual final assembly activities were sufficient? If yes, how?					
Did you determine the actual location of final assembly? If yes, how?					
Purchaser's requirements					
FMVSS					
8. Have you purchased more than 10 buses in a single procurement?	YES	NO			
If yes, were on-line inspectors present during rolling stock manufacture?					